



CITY OF HOUSTON

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September 28, 2023

Honorable George C. Hanks, Jr.
United States District Judge
Southern District of Texas

Re: Request for Pre-Motion Conference: Cause No. Case 4:23-cv-02302; *Courtney Lane v. City of Houston*.; in the United States District Court, Southern District of Texas – Houston Division

Dear Judge Hanks:

In accordance with Rule 6.B.i of the Court's Procedures, Defendant City of Houston ("Houston") seeks to file a Rule 12 motion to dismiss all claims asserted against them and requests a pre-motion conference in accordance with the Court's motions practice procedures. City has conferred with all parties who have appeared before the Court.

A. Nature of Suit

This civil rights case centers around a motor vehicle collision between Terry Rogers and Plaintiff Courtney Lane. Plaintiff alleges on February 21, 2023, HPD Officer Poteet and Officer Lawrence initiated a stop of Rogers, a 26-year-old Black man. In response, Rogers fled. HPD then initiated a high-speed chase. Plaintiff alleges that HPD profiled the driver based on his race (Black) and the neighborhood based on its racial demographics (majority Black). As Rogers fled the officers, he ran through a red light and struck Plaintiff, who was parked [sic] the red light on a motorcycle. Plaintiff alleges that as a result of HPD's racial profiling, Plaintiff suffered severe injuries. [Doc. # 1 at pg. 37].

Based upon these facts, on June 22, 2023, Plaintiff filed Plaintiff's Original Complaint against the City of Houston. Plaintiff alleges three causes of action against City of Houston under 42 U.S.C. § 1983 claim for municipally liability (commonly referred to as a *Monell* claim) for violation of the 14th Amendment Substantive Due Process Clause, violations of the 14th

Amendment Equal Protection Clause and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and violations of 42 USC § 1982. Additionally, Plaintiff alleges three causes of actions against the City under 42 U.S.C. § 1983 claim for supervisory liability (failure to adequately train and supervise) for violation of the 14th Amendment Substantive Due Process Clause, violations of the 14th Amendment Equal Protection Clause and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and violations of 42 USC § 1982.

B. Agreement reached by the parties.

None. Plaintiff's is opposed to Defendant's request.

C. Basis for the anticipated motions

Plaintiff lacks standing to assert alleged violations of constitutional rights of third parties not before the court and fails to identify an injury in fact fairly traceable to the action of the City of Houston. City of Houston asserts that the Plaintiff has failed to state any claim for which relief can be granted against the City of Houston as the Plaintiff's pleading amounts to nothing more than conclusory allegations or unwarranted deduction of facts against City of Houston. Plaintiff has failed to identify a policy maker; failed to identify an unconstitutional official policy or custom of City of Houston that was the moving force or direct cause of his injuries. *Monell v. New York City Dept. of Social Svcs.*, 436 U.S. 658, 694 (1978). Rather, Plaintiff does nothing more than conclusory alleges facially valid policy as unconstitutional. Same pleading deficiencies hold true for Plaintiff's claims for failure to adequately train and supervise. In addition, Plaintiff has not alleged a pattern of similar instances in context of one of the largest cities and police department in the nation.

For the reasons stated above and in more detail in a Rule 12(b)(6) motion, City of Houston requests that the Court allow City of Houston to file its motion and dismiss Plaintiff's claims in its favor.

Sincerely,

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